

REMARKS

The present application was filed on January 26, 2004 with claims 1-3. Claim 2 has been canceled without prejudice and claims 1 and 3 remain pending. Claim 1 is an independent claim.

In the outstanding Office Action dated April 24, 2007, the Examiner rejected claims 1 and 3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,034,653 to Robertson et al. (hereinafter "Robertson") in view of U.S. Patent No. 6,452,572 to Fan et al. (hereinafter "Fan").

With regard to the rejection of claims 1 and 3 under 35 U.S.C. § 103(a) as being anticipated by Robertson in view of Fan, Applicants respectfully assert that the combined references fail to show that the invention would have been obvious to a person of ordinary skill in the art at the time of the invention.

Applicants note that a proper case of obviousness has not been presented if the references, when combined, do not teach or suggest all the claim limitations. Furthermore, the claimed subject matter is not obvious if there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references or to modify the reference teachings. An analysis supporting a rejection under 35 U.S.C. § 103 should be explicit and should not be based on mere conclusory statements. *See KSR v. Teleflex*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (U.S., Apr. 30, 2007), quoting *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006) ("[R]jections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.").

Independent claim 1 recites a compact head mounted virtual image display unit that comprises a microdisplay and an optical system for directing an image signal for viewing by a user. The image signal is generated in accordance with the microdisplay. The unit further comprises an optical system mounting structure for supporting the optical system within the field of view of only a single eye of the user, a housing to substantially contain at least the optical system, and a slidable light shield integrated within the housing and having an open position and a closed position. The light shield is slidable along a length of an exterior wall of the housing and slidably positioned with respect to the optical system such that, in the open position, the image signal is viewed by the user

with background light entering the optical system, and in the closed position, the image signal is viewed by the user with background light at least partially blocked from entering the optical system.

Applicants assert that the Examiner has failed to show that the combined references teach or suggest all the claim limitations. Robertson discloses an interface pod that is transmissive or see through. *See* Robertson, col. 8, lines 10-25. Further, Robertson discloses a display in the pod that is transmissive so that a user may view an image on the display and view other things beyond the display through a window. *Id.* However, Robertson does not describe a slidable light shield that addresses background light. The examiner concedes to this fact and states that “Robertson does not disclose expressly a slidable light shield, integrated within the housing and having an open position and a closed position, wherein the light shield is slidable along a length of an exterior wall of the housing and slidably positioned with respect to the optical system such that, in the open position, the image signal is viewed by the user, and in the closed position, the image signal is viewed by the user with background light at least partially blocked from entering the optical system.” Office Action, pg. 3, third paragraph.

The Examiner argues that Fan remedies the deficient teaching of Robertson with regard to a slidable light shield. Applicants disagree. Fan discloses a display housing with a protective shade that can be raised and lowered to protect a display panel, a viewing lens and other internal components from damage, not a light shield. Fan, col. 23, lines 40-46, and FIG. 54. The mechanism described in Fan is merely a protective cover, and it is not an element that is incorporated into an optical system to control the amount of background light entering the optical system as recited in the claims. This is evidenced by the fact that the protective shade described in Fan completely covers the display in the display housing when closed. Fan, FIG. 54. Unlike Fan, the claims recite, a slidable light shield positioned with respect to the optical system such that, in the open position, the image signal is viewed by the user with background light entering the optical system, and in the closed position, the image signal is viewed by the user with background light at least partially blocked from entering the optical system. Applicants note that when the protective covering in Fan is in the closed position, anything displayed in the optical system cannot be seen. The ability to see optical images even if the slidable light shield is open or closed is a key difference between Fan and

the recited claims. For at least these reasons, Applicants assert that the combined references fail to teach or suggest the claim limitation of the slidable light shield as recited in the claims. Therefore, the recited claims are not obvious in light of Robertson and Fan.

Next, Applicants assert that the Examiner has failed to show a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references or to modify the reference teachings. In addition to the fact that neither reference describes a light shield, Applicants assert that a light shield that controls background light would not have been obvious to a person having ordinary skill in the art in view of Robertson and Fan because the technology for viewing a display image together with background light did not exist at the time of the invention. Robertson does allude to a transparent beam splitter that may be placed in the middle of the viewing pod to direct an image to the display, however, Applicants assert that an optical system that merges display images with background light did not exist until recently, as evidenced by U.S. Patent 6,747,611 (the parent to this divisional application).

Therefore, in light of Robertson and Fan, a person of ordinary skill in the art at the time the invention was made would have no suggestion or motivation to create a slidable light shield because the affects of background light on a transparent optical system was not an issue. It follows that it would not have been obvious to a person having ordinary skill in the art at the time of the invention to further modify the referenced teachings such that the slidable light shield was provided at the back-end of the optical system. Neither Robertson nor Fan suggest or motivate the creation of a slidable light shield controlling background light. The function of the slidable light shield is unlike the functions of the elements disclosed in the references. Further, controlling background light using a light shield is an unexpected function or result in view of the cited references. For at least these reasons, Applicants assert that the recited claims are not obvious in light of the cited references.

In view of the above, Applicant believes that claims 1 and 3 are in condition for allowance, and respectfully requests withdrawal of the § 103(a) rejection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis", written in a cursive style.

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